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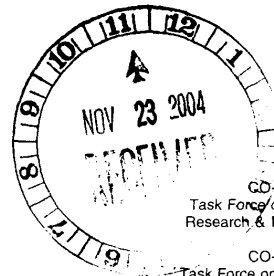
THE ASSEMBLY
STATE OF NEW YORK
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November 1, 2004



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Re: Docket No. AB-156 (Sub-No 25x), Delaware and Hudson Railway Company Discontinuance of Trackage Rights in Susquehanna County, PA and Broome, Tioga, Chemung, Steven, Allegheny, Livingston, Wyoming, Erie, and Genes Counties, NY.

Dear Mr. Williams:

I am advised Delaware and Hudson Railways Company, (D&H), an affiliate Canadian Pacific Railway Company (CP), has filed to discontinue its operations over approximately 229.55 miles of line between Lanesboro, PA – Binghamptom-Buffalo, NY. The D&H action would close its use of the so-called SK yard in Buffalo and result in other changes to railroad operations in the Buffalo Area.

The STB's October 21 order announcing their proceeding, issued by a staff member, does not provide for hearings; instead, persons are directed to file "comments" with the STB on or before November 10, as indicated in the Federal Register for October 21.

I ask that you consider this an appeal for the October 21 STB Staff decision not to assign the proceeding for oral hearings, one of which should be at Buffalo. The submission of written comments is not sufficient or appropriate for many members of the public, who would prefer oral presentations. I believe an oral hearing is necessary to fully explore the impact of the D&H discontinuance upon the welfare of the Buffalo Area. I am advised appeals are authorized in this situation by your rules, 49 CFR 1011.7(b), and perhaps other citations.

Further, I believe the November 10 deadline is way to short a period of time for persons who may desire and be capable of filing written comments, to actually file comments timely. Word about the D&H petition for discontinuance has only reached my office, and not the STB's October 21 order announcing the November 10 due date was not accompanied by a STB advise to the media. Accordingly, I believe the due date for written comments should be extended for a minimum of 30 days, until December 20. I am advised extension of time for filing written materials may be authorized by your rules, 49 CFR 1104.7, and perhaps other citation. Of course this extension of time for filing written comments does not mitigate the need for oral hearings.

Thanks you for your attention to this matter. I look forward to hearing from you soon.

Sincerely,


SAM HOYT
MEMBER OF ASSEMBLY

cc: Terence M Hynes